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*J.B. could*  
accumulated points; and

adding interest points to the customer's accumulated points according to the customer's accumulated points and a period of time of providing the software service,

wherein the customer accesses the accumulated points stored on the computer through a terminal.

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#### REMARKS

In the Office Action mailed on October 15, 2002, claims 17 and 30 were rejected under 35 U.S.C. § 112, second paragraph; claims 17, 18, 28, 29, 50, 52, and 53 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Schultz in view of Burton and further in view of Small; claim 24 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Shultz in view of Humble and further in view of Small; claim 25 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Schultz in view of Humble and Burton and further in view of Small; claims 26, 65-66, and 69 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Schultz in view of Small; claims 30 and 32-35 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Schultz in view of Burton and Small and further in view of Bay; claim 37 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Schultz in view of Burton and Bay and further in view of Rudd; and claims 67, 68, and 70-77 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Schultz. The foregoing rejections are respectfully traversed.

Claims 17, 18, 24-26, 28-30, 32-35, 37, 50, 52, 53, and 65-77 are pending in the subject application, of which claims 17, 18, 24-26, 28, 50, 52, and 65-67 are independent claims. Claims 24-26, 28, 50, 52, and 65-67 are amended and claims 17, 18, 30, 32-35, and 37 are cancelled. Care has been exercised to avoid the introduction of new matter. A Version With Markings To Show Changes Made to the amended claims is included herewith.

#### Rejections Under 35 U.S.C. § 112, Second Paragraph:

Claims 17 and 30 are canceled herein. The Applicants respectfully request that the Examiner withdraw the rejections of claims 17 and 30.

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**Rejections Under 35 U.S.C. § 103(a):****Differences Between The Claimed Invention And The Cited References:**

Schultz discusses a method for effecting manufacture purchase reward offers, which includes the steps of identifying an offeree at a point-of-sale terminal by reading a consumer identification code of the offeree, comparing products purchased by an identified offeree at the point-of-sale terminal with stored information respecting purchase reward offers, identifying purchase reward offers available to the identified offeree for the purchased products, recording purchase transactions of products for which rewards will be provided, providing on a periodic basis to the identified offeree a listing of the identified offeree's purchase transactions of products for which rewards are available to the identified offeree, and identifying in the listing the identified offeree's progress toward completion of the requirements for purchase reward offers available to the identified offeree.

Burton discusses a system for an incentive award program for a company having individual program participants and having levels of performance set as goals to be achieved by participants and having levels of performance set as goals to be achieved by participants for the company, which includes a computer memory means for data storing of information identifying the participants, credit instruments for the participants and a computer data processing means for assigning individual credit instrument account numbers and corresponding accounts to individual participants, a computer memory means for storing levels of performance to be achieved by the participants under an incentive program in order for the individual participants' credit instrument account, and a computer data processing means for allocating monetary amounts to be credited for available use through the individual participants' meeting of a designated level of performance under the incentive program.

Humble discusses a coupon validation network that includes first and second coupon processing terminals, a means for transferring data between at least one central control system and a plurality of local control systems, and a means for updating a local information file to delete cashed-in coupons and to add coupons that are presented, read, and validated but that do not correspond to any of products purchased during a transaction. The control systems and the first and second coupon processing terminals include a means for allowing merchants to read, validate, and redeem coupons automatically to accumulate data facilitating accurate calculation of full potential credit values to enable the coupon issuers to conveniently reimburse the merchants for the value of valid coupons redeemed upon purchase of corresponding

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products and to provide customers a means for permanently claiming credit for their coupons without carrying them, the coupon being discardable after redemption for one of purchase and credit.

Small discusses an apparatus for participation of a user in a sweepstakes-type game including a telephone device for allowing electronic communication between the user and a financial service type institution, a user identification means for providing user access to the financial services-type institution, a means generating user indicia specific to the user in which the user indicia is passively generated without input from the user once the user has obtained access to the financial service-type institution, a means generating game indicia, and a processor means associated with the financial service-type institution and communicating with the telephone device, receiving the user indicia, and receiving the game indicia, the processor means including a means for comparing the user indicia to the game indicia and determining whether a selected winning correlation exists between the same, the processor means including a means for completing the comparison of the user game indicia generally contemporaneously with the user effecting an unrelated transaction by means of the telephone device, whereby there is no appreciable extra time required to complete the game in addition to the unrelated transaction.

In contrast, claims 24-26, 28, 50, 52, and 65-66 recite that "the point management system provides a service including a software service in exchange for an amount of the accumulated points, wherein the point accumulation means adds interest points to the customer's accumulated points according to the customer's accumulated points and a period of time of providing the software service, and wherein the customer accesses the accumulated points stored on the computer through a terminal."

None of the cited references discloses or suggests the same.

**Motivation to Combine the References:**

The Examiner stated that the motivation to combine the references is based upon evidentiary facts gleaned from the references themselves, as well as from the knowledge generally available to one of ordinary skill in the art. The Examiner is using an old, outdated standard, and that the current standard, as set forth by the Federal Circuit (and as set forth in the prior Amendment), requires actual evidence, not broad, conclusory statements. In regard to

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the current standard, the Examiner has not yet explained the reasons that one of ordinary skill in the art would have been motivated to combine the references.

**Instantaneous Notification of Cumulative Point Information:**

In the first full paragraph on page 54 of the Office Action, the Examiner also stated that Small suggests "instantaneous notification" as applied to cumulative point information. In the sections cited by the Examiner, Small discusses "immediately" transferring funds from a user's account to a merchant's account (Small, col. 1, lines 66-67), "instantaneously" crediting a cash award winner's account and "immediately" delivering a cash prize to a user at an ATM (Small, col. 4, lines 28-32), and "instant" lottery tickets (Small, col. 12, line 15). The paragraph at col. 9, lines 28-37 does not discuss instant-, immediate-, or instantaneous-anything.

The words "instantaneously," "immediately," and "instant" appear in Small in contexts completely unrelated to notification of point information. Therefore, someone of ordinary skill in the art would not have been motivated to combine the "immediately" transferring funds from a user's account to a merchant's account, the "instantaneous" crediting a cash award winner's account, the "immediately delivering a cash prize to a user at an ATM, or the "instant" lottery tickets with Shultz's notification of point information to suggest instantaneous notification of cumulative point information, as recited in claims 17, 18, 50, 52, 65, and 66 of the subject application.

**Redeeming Points for a Number of the Types of Services:**

In the second full paragraph on page 10 of the June 4, 2002 Amendment, the Applicants argued that that claims 17, 18, and 50 recite that a number of the customer's cumulative points may be redeemed for a number of the types of services and that claims 28 and 52 recite that a service is provided in exchange for an amount of accumulated points. The Applicants argued that "none of Shultz, Burton, or Small discloses or suggests that the 'types of services' refer to services that are provided to the customer upon redemption of points." (emphasis in original)

In the second full paragraph on page 54 of the Office Action, the Examiner stated that the Applicants argued on page 10 of the Amendment that "none of Schultz, Burton, or Small discloses or suggests 'types of services,'" and cited Small as suggesting the same. The Examiner only quoted a part of the Applicants' argument, thereby effectively mis-quoting the

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argument.

In the paragraph beginning on page 54 and ending on page 55 of the Office Action, the Examiner took issue with the Applicants' characterization that the Examiner "admitted" that the references do not disclose certain elements of the claimed invention. For example, in the June 4, 2002 Amendment, the Applicants paraphrased the Examiner's statement that Schultz "does not explicitly show 'types of services'" (December 2001 Office Action, p. 5, second full ¶; October 2002 Office Action, p. 6, third full ¶) by arguing that "[a]s admitted by the Examiner, Schultz does not disclose 'types of services'" (Amendment After Final, p. 10, second full ¶). The Examiner continued his Response by asserting that, although the primary reference does not explicitly recite the claimed elements and limitations, the reference does in fact suggest the claimed elements and limitations for purposes of sustaining a rejection under 35 U.S.C. § 103(a).

When neither the primary nor secondary reference discloses or suggests an elements of the claimed invention, the rejection is insufficient to render the claimed invention obvious.

In addition, the references cannot be combined, as they teach away from one another.

As argued in the Amendment After Final, Shultz only discloses awarding points to consumers based on their purchases, the points being redeemed for manufacturer rewards (Schultz, col. 6, lines 13-27). The rewards disclosed in Schultz include standard rebates, trial rebates, gift offers, and sweepstakes offers (Schultz, col. 5, lines 58-60). Shultz does not disclose or suggest any service that may be awarded in response to a customer's redemption of points.

Further, as argued in the June 4, 2002 Amendment, in Burton, the "services" discussed are available for purchase by the customer in order to accumulate points, as part of the promotion (Burton, col. 1, lines 17-20, 37-40). Burton does not disclose or suggest awarding a service in response to a customer's redemption of points.

In the section cited by the Examiner in the Office Action (p. 54, second full ¶), Small discusses services awarded as sweepstakes prizes (Small, col. 9, line 31), but Small does not disclose or suggest awarding points to a customer or any correlation between points and services or products. Clearly, the references cannot be combined to teach that that a number of the customer's cumulative points may be redeemed for a number of the types of services or that a service is provided in exchange for an amount of accumulated points.

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**Claims 24-26 and 28:**

The Examiner did not directly address the Applicants' arguments in regard to claims 24-26 and 28. The Applicants believe that their arguments are sufficient to overcome the claim rejections; therefore, the Applicants incorporate herein the arguments thereto as set forth in the June 4, 2002 Amendment.

**Claims 67-77:**

The Examiner rejected claim 67 under 35 U.S.C. § 103(a) as being unpatentable over Schultz. The Examiner states that Shultz does not explicitly disclose "providing a point service to the customer if a request therefore is received from the customer." However, the Examiner interprets Schultz as suggesting the same because Schultz discloses "a marketing program for rewarding specific purchase behavior and increasing consumer brand loyalty for manufacturers who participate in the program" (Schultz, col. 4, lines 50-53).

The Examiner has not properly supported his obviousness conclusion. With respect to core factual findings in a determination of patentability, the Examiner cannot simply reach conclusions based on his own understanding or experience, or on an assessment of what would be basic knowledge or common sense. In re Zurko, 59 USPQ2d 1693, 1697 (Fed. Cir. 2001). Rather, the Examiner must point to some concrete evidence in the reference in support of his findings. Id.

In concluding that the recitation in claim 67 (listed above) would be obvious from the marketing program in Schultz, the Examiner did not point to any concrete evidence in Schultz that would support such a conclusion. It would not be obvious to provide a point service to a customer if a request therefor is received from the customer, because the marketing system in Schultz does not disclose or suggest the point service. As stated above, Shultz does not disclose or suggest any service that may be awarded in response to a customer's redemption of points.

**Conclusion:**

Clearly, claims 24-26, 28, 50, 52, and 65-67 of the subject application are patentably distinguishable over the cited references. In addition, claims 29, 53, and 68-77 are allowable

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based on their dependency, directly or indirectly, from one of allowable claims 24-26, 28, 50, 52, and 65-67.

Withdrawal of the foregoing rejections is respectfully requested.

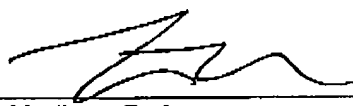
There being no further objections or rejections, it is submitted that the application is in condition for allowance, which action is courteously requested. Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters. If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

STAAS & HALSEY LLP


Date: 3-17-2003

700 Eleventh Street, NW, Suite 500  
Washington, D.C. 20001  
(202) 434-1500

By:   
Matthew Q. Ammon  
Registration No. 50,346

**CERTIFICATE OF FACSIMILE TRANSMISSION**

I hereby certify that this correspondence is being transmitted via facsimile to: The U.S. Patent and Trademark Office, Washington, D.C. 20231

on March 17 2003  
STAAS & HALSEY  
By:   
Date: 3-17-2003

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**VERSION WITH MARKINGS TO SHOW CHANGES MADE****IN THE CLAIMS:**

Please CANCEL claims 17, 18, 30, 32-35, and 37.

Please AMEND claims 24-26, 28, 50, 52, and 65-67. The remaining claims are reprinted, as a convenience to the Examiner, as they presently stand before the U.S. Patent and Trademark Office.

1-23. (CANCELED)

24. (THREE TIMES AMENDED) A point management system employing a computer for managing points issued to each customer who receives service according to the issued points, comprising:

point issue means for issuing the points to the customer according to transactions performed by the customer;

point accumulation means for calculating and accumulating the issued points, includes condition monitor means for changing the accumulated points according to predetermined conditions; and

customer identification means for identifying the customer according to customer identification information, [;]

wherein the point management system provides a service including a software service in exchange for an amount of the accumulated points, wherein the point accumulation means adds interest points to the customer's accumulated points according to the customer's accumulated points and a period of time of providing the software service, wherein the condition monitor means adds interest to the customer's points according to the accumulated points and periods of time, and wherein the customer accesses the accumulated points stored on the computer through a terminal.

25. (FOUR TIMES AMENDED) A point management system employing a computer for managing points issued to each customer who receives service according to the issued points, comprising:

point issue means for issuing the points to the customer according to transactions



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performed by the customer;

point accumulation means for calculating and accumulating the issued points, includes condition monitor means for changing the accumulated points according to predetermined conditions; and

customer identification means for identifying the customer according to customer identification information, [;]

wherein the point management system provides a service including a software service in exchange for an amount of the accumulated points, wherein the point accumulation means adds interest points to the customer's accumulated points according to the customer's accumulated points and a period of time of providing the software service, wherein the condition monitor means decreases the customer's points if the customer does not carry out a transaction during a predetermined period, and wherein the customer accesses the accumulated points stored on the computer through a terminal.

26. (THREE TIMES AMENDED) A point management system employing a computer for managing points issued to each customer who receives service according to the issued points, comprising:

point issue means for issuing the points to the customer according to transactions performed by the customer;

point accumulation means for calculating and accumulating the issued points; and

customer identification means for identifying the customer according to customer identification information, [;]

wherein the point management system provides a service including a software service in exchange for an amount of the accumulated points, wherein the point accumulation means adds interest points to the customer's accumulated points according to the customer's accumulated points and a period of time of providing the software service, wherein the point accumulation means includes means for converting the customer's points managed by a group of stores into points managed by another group of stores according to a predetermined rate if the customer requests the conversion, and wherein the customer accesses the accumulated points stored on the computer through a terminal.

27. (CANCELED)

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28. (FOUR TIMES AMENDED) A point management system employing a computer for managing points issued to each customer who receives service according to the issued points, comprising:

point issue means for issuing the points to the customer according to transactions performed by the customer;

point accumulation means for calculating and accumulating the issued points; and

customer identification means for identifying the customer according to customer identification information, [;]

wherein the point management system provides a service including a software service in exchange for an amount of the accumulated points, wherein the point accumulation means adds interest points to the customer's accumulated points according to the customer's accumulated points and a period of time of providing the software service, [and] wherein the point accumulation means decreases the customer's accumulated points according to a period of time of providing the software service, and wherein the customer accesses the accumulated points stored on the computer through a terminal.

29. (ONCE AMENDED) The point management system according to claim 28, wherein the software service is provided to the customer with image and voice data through communication circuits, and the point accumulation means displays the decreased points on a display by denoting an alphanumeric number representing the customer's accumulated points and by counting down the customer's accumulated points in order.

30-49. (CANCELED)

50. (FOUR TIMES AMENDED) A point management system employing a computer for managing points issued to each customer who receives service according to the issued points, comprising:

point issue means for issuing the points to the customer according to transactions performed by the customer;

point accumulation means for calculating and accumulating the issued points;

point notification means for instantaneously notifying the customer of cumulative point information comprising the issued points; and

customer identification means for identifying the customer according to customer

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identification information, [:]

wherein the point management system provides a service including a software service in exchange for an amount of the accumulated points, wherein the point accumulation means adds interest points to the customer's accumulated points according to the customer's accumulated points and a period of time of providing the software service, wherein the point notification means comprises service contents storage means for storing a list of types of services and corresponding points, and according to a request from the customer displays on a terminal the list of the types of services and corresponding points to the customer, wherein a number of the customer's cumulative points may be redeemed for a number of the types of services, and wherein the customer accesses the accumulated points stored on the computer through a terminal.

51. (CANCELED)

52. (FOUR TIMES AMENDED) A point management system employing a computer for managing points issued to each customer who receives service according to the issued points, comprising:

point issue means for issuing the points to the customer according to transactions performed by the customer;

point accumulation means for calculating and accumulating the issued points;

point notification means for instantaneously notifying the customer of cumulative point information comprising the issued points; and

customer identification means for identifying the customer according to customer identification information, [:]

wherein the point management system provides a service including a software service in exchange for an amount of the accumulated points, wherein the point accumulation means adds interest points to the customer's accumulated points according to the customer's accumulated points and a period of time of providing the software service, wherein the point notification means further comprises service contents storage means for selecting a range of services available in exchange for the accumulated points of the customer, and instantaneously notifies the customer of the selected services through a terminal, and wherein the customer accesses the accumulated points stored on the computer through a terminal.

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53. (ONCE AMENDED) The point management system according to claim 52, wherein the service contents storage means stores the point information comprising target points for a service requested by the customer, the customer's accumulated points, and shortage points relative to the customer's target.

54-64. (CANCELED)

65. (TWICE AMENDED) A point management system employing a computer for managing points issued to each customer who receives service according to the issued points, comprising:

point issue means for issuing the points to the customer according to transactions performed by the customer;

point accumulation means for calculating and accumulating the issued points for more than two transactions;

point notification means for instantaneously notifying the customer of the cumulative point information comprising the issued points; and

customer identification means for identifying the customer according to customer identification information,

wherein the point management system provides a service including a software service in exchange for an amount of the accumulated points, wherein the point accumulation means adds interest points to the customer's accumulated points according to the customer's accumulated points and a period of time of providing the software service, wherein the point issue means comprises rate management means for changing a point calculation rate according to each of the more than two transactions, and wherein the customer accesses the accumulated points stored on the computer through a terminal.

66. (TWICE AMENDED) A point management system employing a computer for managing points issues to each customer who receives service according to issued points, comprising:

point issue means for issuing the points to the customer according to transactions performed by the customer;

point accumulating means for calculating and accumulating the issued points for more than two transactions;

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point storing means for storing point information comprising the issued points for each customer identification;

point notification means for instantaneously notifying the customer of the cumulative point information; and

customer identification means for identifying the customer according to the customer identification,

wherein the point management system provides a service including a software service in exchange for an amount of the accumulated points, wherein the point accumulation means adds interest points to the customer's accumulated points according to the customer's accumulated points and a period of time of providing the software service, wherein the point notification means notifies the customer of the point information before the customer carries out transactions and wherein the point issue means comprises rate management means for changing a point calculation rate according to each of the more than two transactions, and wherein the customer accesses the accumulated points stored on the computer through a terminal.

67. (TWICE AMENDED) A method for implementing a point management system in a store, comprising:

receiving a customer ID as entered by a customer;

determining whether the customer entering the customer ID is registered, and if not, registering the customer if the customer; [and]

issuing points to the customer according to transactions performed by the customer;

calculating and accumulating the issued points for more than two transactions;

providing a point service to the customer if a request [therefore] therefor is received from the customer;

providing a service including a software service in exchange for an amount of the accumulated points; and

adding interest points to the customer's accumulated points according to the customer's accumulated points and a period of time of providing the software service.

wherein the customer accesses the accumulated points stored on the computer through a terminal.

68. (UNAMENDED) The method of claim 67, further comprising closing a transaction

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for a sale of a commodity with the customer.

69. (UNAMENDED) The method of claim 67, wherein the providing of the point service further comprises instantaneously displaying a number of present cumulative points of the customer.

70. (UNAMENDED) The method of claim 67, wherein the providing of the point service further comprises:  
displaying a plurality of point services;  
running one of the plurality of point services when requested by the customer; and  
updating the number of present cumulative points of the customer according to whether one of the plurality of point services is run.

71. (UNAMENDED) The method of claim 67, wherein the providing of the point service further comprises displaying point service information.

72. (UNAMENDED) The method of claim 71, wherein the point service information is special days of the store, special days of the customer, service hours, service periods, or service areas.

73. (UNAMENDED) The method of claim 67, wherein the providing of the point service further comprises issuing points to the customer.

74. (UNAMENDED) The method of claim 67, wherein the providing of the point service further comprises accumulating points for the customer.

75. (UNAMENDED) The method of claim 67, wherein the providing of the point service further comprises notifying the customer of a shortage of the customer's cumulative points.

76. (UNAMENDED) The method of claim 67, wherein the providing of the point service further comprises exchanging money for cumulative points of the customer.

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77. (UNAMENDED) The method of claim 67, further comprising managing a customer database.